
Appeal Decisions

Site visit made on 13 December 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2022

Appeal A Ref: APP/W0340/W/21/3272648

28 Chapel Street (Land at Former Police Station), Thatcham RG18 4QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr John & Michael Mangan against the decision of West Berkshire District Council.
 - The application Ref 20/02885/FULD, dated 7 December 2020, was refused by notice dated 8 February 2021.
 - The application sought planning permission for the erection of three detached dwellings (1 x 2 bed and 2 x 3 bed) including access and parking, without complying with a condition attached to planning permission Ref 19/00510/FULD, dated 22 February 2019.
 - The condition in dispute is No 1 which states that:
The development hereby permitted shall be completed in accordance with the approved drawings. The development of the new dwellings hereby approved shall be undertaken in accordance with the application form received on 18 April 2018 and the design and access statement received on 10 May 2018 and 22nd February 2019, drawing numbers: 268/S05 Rev A; 268/PL01C; 268/PL02 C; 268/PL03; 268/PL04; 268/PL07; 268/PL08; 268/PL09; 268/PL11; 268/PL012; 268/PL13 and 268/PL15;
 - The reasons given for the condition is:
For the avoidance of doubt and in the interests of proper planning.
-

Appeal B Ref: APP/W0340/W/21/3272649

28a Chapel Street (Land at Former Police Station), Thatcham, RG18 4QL,

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr John & Michael Mangan against the decision of West Berkshire District Council.
- The application Ref 20/02863/FULD, dated 2 December 2020, was refused by notice dated 8 February 2021.
- The application sought planning permission for the erection of a 3 bed semi-detached dwelling including access and parking, provision of off-street parking for No. 30 Chapel Street, without complying with a condition attached to planning permission Ref 19/00508/FULD, dated 31 May 2019.
- The condition in dispute is No 2 which states that:
The development hereby permitted shall be carried out in accordance with the approved drawings:
 - Drawing title "Location Plan proposed". Drawing number 268/S08 Rev A. Date stamped 22nd February 2019.
 - Drawing title "Block Plan proposed". Drawing number 268/S09 Rev A. Date stamped 22nd February 2019.
 - Drawing title "Proposed Development Site Plan". Drawing number 268/PL16 Rev B. Date stamped 2nd April 2019.

- Drawing title "Proposed Development N and S elevations". Drawing number 268/PL20 Rev A. Date stamped 22nd February 2019.
- Drawing title "Proposed Development E and W elevations". Drawing number 268/PL19 Rev A. Date stamped 22nd February 2019.
- Drawing title "Proposed Development Sections". Drawing number 268/PL21 Rev A. Date stamped 22nd February 2019.
- Drawing title "Proposed Development SF and Roof Plans". Drawing number 268/PL18 Rev A. Date stamped 22nd February 2019.
- Drawing title "Proposed Development GF and FF plans". Drawing number 268/PL17 Rev A. Date stamped 22nd February 2019.

The reasons given for the condition is:

For the avoidance of doubt and in the interests of proper planning.

Appeal A - Decision

1. The appeal is allowed and planning permission is granted for the erection of three detached dwellings (1 x 2 bed and 2 x 3 bed) including access and parking at 28 Chapel Street (land at former police station), Thatcham, RG18 4QL in accordance with the terms of the application Ref 20/02885/FULD, dated 7 December 2020, without complying with condition No 1 as set out in planning permission 19/00510/FULD, granted 24 May 2019 by West Berkshire Council, but otherwise subject to the conditions set out in the attached schedule for Appeal A.

Appeal B - Decision

2. The appeal is allowed and planning permission is granted for a 3 bed semi-detached dwelling including access and parking, provision of off-street parking for No 30 Chapel Street, at 28a Chapel Street (land at former police station), Thatcham, RG18 4QL, in accordance with the terms of the application Ref 20/02863/FULD, dated 2 December 2020, without complying with condition No 2 as set out in planning permission 19/00508/FULD, granted 31 May 2019 by West Berkshire Council, but otherwise subject to the conditions set out in the attached schedule for Appeal B.

Preliminary Matters

3. This appeal follows a refusal to vary the 'plans' conditions on two approvals which are linked as together they form the development of a semi-detached pair of dwellings on what was part of an old police station redevelopment. This would allow for similar amendments for both dwellings, including a raised section of roof and an alternative window design for a single window in the front elevations. There is also proposed an additional new first floor window to the side elevations serving a bathroom which is to be obscure glazed.
4. The original application for Appeal A amended an approval through varying a plans condition to allow for an approved detached dwelling to be amended into a semi-detached house. The original application for Appeal B was for a single dwelling to become the other house for the semi-detached pair.
5. Both dwellings of this semi-detached pair are built with the proposed alterations under these appeals already featured.

Main Issues

6. The main issue for both appeals is whether the amended designs for both dwellings in this semi-detached pair would have an adverse effect on the

character and appearance of the area. The Council reason for refusal does not include reference to the additional bathroom windows.

Reasons

7. The new pair of semi-detached dwellings are set close to the centre of Thatcham in an area where there is a mix of dwelling types and designs, with also non-residential buildings nearby. The pair of dwellings are set well back from Chapel Street as part of the larger residential development of the former police station.
8. The raised section of roof is positioned between the two dwellings in the 'valley' formed between the two pitched roofs. It is explained that this was needed for internal head-room. Whilst this feature is visible it is a small element of the dwellings and is not prominent. Indeed, it is a modest and discreet feature which is barely noticeable from Chapel Street and most other public vantage points. It is a similar colour to the pitched roofs, which further reduces any visual impact. Being similar for both dwellings, the proposals do not unbalance the symmetry of the dwellings to any adverse extent. Whilst an unusual feature it is not harmful to the character and appearance of the dwellings or wider area, with the position of this feature suitably designed to be of minimal visual impact for both dwellings.
9. Originally there was a porthole window approved for both dwellings in the front elevations within the gables of both houses. However, what has been built are small rectangular windows. Whilst the porthole windows would have added some extra variety to the front elevations, the rectangular windows as used are of a suitable design and in keeping with the other approved windows on the front elevations. This amendment is not harmful to the character and appearance of the area and are of a satisfactory standard of design.
10. The design of the dwellings, with the raised section of roof and the rectangular upper floor windows in the front elevations, together with the introductions of side elevation windows to serve bathrooms, are of a suitably high standard of design, with no adverse impact to the character and appearance of the houses or wider areas. The proposal to retain these amendments is therefore in accordance with policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026). These policies require development to demonstrate a high quality and sustainable design and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character, amongst other things.

Conditions

11. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
12. For both appeals, there are some conditions that were on the original planning permissions which the Council have not recommended, presumably on the basis that they refer to requirements at the construction stage for example, with the houses now built and occupied.
13. There are circumstances for both appeals where conditions are required for the retention of works that have been undertaken in accordance with the original

approved plans, such as those relating to parking, landscaping and cycle parking.

14. I have included the conditions for the use of obscure glazing where necessary, in the interests of neighbour amenities. This includes the first floor side elevation windows proposed with this amended scheme, which the appellant states to be obscure glazed. Also, on this dense housing development site, I have reimposed the conditions to restrict permitted development rights. These restrictions also limit new windows or openings to safeguard neighbour amenities.
15. I have not reimposed the conditions relating to drainage, noise insulation or boundary treatments as the appellant has confirmed that these works have been carried out in accordance with the approved details.

Conclusion

16. For the reasons given I conclude that both appeal A and B should succeed, subject to the conditions set out in the schedule below, which includes a replacement for condition No 1 for Appeal A and condition 2 for Appeal B (the 'plans conditions').

Mr S Rennie

INSPECTOR

Schedule – Conditions

For Appeal A:

- 1) The development hereby permitted is to be in accordance with the following approved plans:
268/S05 Rev A; 268/PL01C; 268/PL02 C; 268/PL03; 268/PL04; 268/PL07; 268/PL08; 268/PL09; 268/PL11; 268/PL15, A0.1 Roof Plan; A0.2 Front Elevation; A0.4 Rear Elevation; and A0.5 Left Elevation.
- 2) The parking and/or turning space shall be kept available for parking (of private motor cars and/or light goods vehicles) at all times, in accordance with the approved plans.
- 3) The cycle parking to serve this dwelling shall be kept available for the parking of cycles at all times, in accordance with the approved plans.
- 4) The windows at first floor level in the west and east elevations on all the dwellings shall be top hung and fitted with obscure glass at the time of their installation. The obscure glazing shall be permanently retained in that condition thereafter.
- 5) The window at ground floor on the southern elevation of Unit 1 shall have no parts that would overhang onto the public highway, which includes the pavement. Any changes to this window will require written approval by the Local Planning Authority in respect of a planning application.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

For Appeal B:

- 1) The development hereby permitted is to be in accordance with the following approved plans:
Drawing numbers 268/S08 Rev A; 268/S09 Rev A. 268/PL16 Rev B; 268/PL18 A (not including roof plan detail) and 268/PL17 Rev A; A0.4 Rear Elevation; A0.3 Right Elevation; A0.1 Roof Plan; A0.2 Front Elevation;
- 2) The approved boundary treatments shall be maintained and retained in accordance with the approved boundary treatments details (submitted to the Local Planning Authority on the 20/05/2019 within the Schedule of Finished Rev 3 document) in perpetuity.
- 3) The parking and/or turning space as per the approved plans shall be kept available for parking (of private motor cars and/or light goods vehicles)

- and turning at all times. The parking space for unit 4 must be marked up on site as being allocated for this dwelling.
- 4) The cycle parking as included on the approved plans shall be kept available for the parking of cycles at all times.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority in respect of a planning application made for that purpose.
 - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows or other openings (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed on the east elevation of the proposed dwelling hereby permitted, without planning permission being granted by the Local Planning Authority in respect of a planning application made for that purpose.
 - 7) The first floor window on the east (right) elevation shall be fitted with obscured glazing and be top hung only. This window shall be retained as such thereafter.

END OF CONDITIONS